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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/888,202	07/07/1997	JULIO L. PIMENTEL		1919

7590 12/31/2002
Julio L Pimentel
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Buford, GA 30519-1941

EXAMINER

UNGAR, SUSAN NMN

ART UNIT	PAPER NUMBER
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1642

DATE MAILED: 12/31/2002

37

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.
08/888,202

Applicant(s)
Pimentel

Examiner
Ungar

Art Unit
1642



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Nov 2, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires three months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: New issues drawn to inhibiting nutrient digestibility, porcine pancreatic extract, antibody fed is on whole egg, egg yolk. New matter is drawn to feeding antibody present on whole egg, egg yolk, new 112 2nd issue

3. ☐ Applicant's reply has overcome the following rejection(s):

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None

Claim(s) objected to: None

Claim(s) rejected: 1, 8, 14, 18, 31, and 38

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____

SUSAN UNGAR, PH.D
PRIMARY EXAMINER

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1. If the amendment were to be entered, Claims 1, 8, 14, 18, 31, 38 would still be rejected under 35 USC 103 for the reasons of record.

Applicant (a) reiterates arguments drawn to lipase inhibitor which is not an antibody and cites reference which demonstrate that although compounds are from different sources and structurally different, they have the same function, validating the basis for Examiner's rejection, (b) Applicant argues Hadvary et al, Moloney, Ohkaru et al and JP02150294 individually and clearly teach the effectiveness of oral administration of antibody - again validating the basis for Examiner's rejection, (c) Applicant combines Moloney and Flint, Okaru et al and JP 02150294 and argues drawn to the fact that the present invention does not suggest an effect on adipose tissue and that the present invention is drawn to sole egg, sprayed dried whole egg, spray dried yolk

The arguments have been considered but have not been found persuasive (a')(b') for the reasons previously set forth and further for the reasons set forth by Applicant, (c') Applicant is arguing limitations not found in the claims as currently constituted since the amendment to the claims has not been entered.

2. If the amendment were to be entered, Claims 1, 8, 14, 18, 31, 38 would still be rejected under 35 USC 112, first paragraph for the reasons of record.

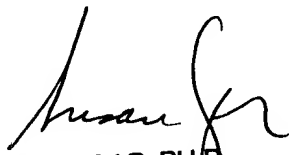
Applicant's arguments do not appear to be drawn to the rejection of record, therefore, although considered, they are not found persuasive and the rejection is maintained.

3. If the amendment were to be entered, all of the rejections and objections of record would be maintained for the reasons of record.

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4. Review of instantly submitted Paper No. 36 reveals that Applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication 'Attorneys and Agents Registered to Practice Before the US Patent and Trademark Office.' This publication is for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.



SUSAN UNGAR, PH.D.
PRIMARY EXAMINER